

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In the Matter of:

ARK LABORATORY, LLC,

Debtor.

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Case No. 23-43403-mlo

Chapter 11

Hon. Maria L. Oxholm

**STIPULATION FOR ENTRY OF STIPULATED ORDER  
TO PERMIT BALLOTING FOR PLAN OF LIQUIDATION VIA  
EMAIL AND FACSIMILE IN ADDITION TO MAIL BALLOTING**

Debtor, the Office of the United States Trustee, and the Unsecured Creditors Committee, stipulate to entry of the proposed order in the form attached as **Exhibit 1**, hereto, with the United States Trustee indicating that they “have no objection” to entry of the proposed Order.

1. Debtor recently filed its Combined Disclosure Statement and Plan of Liquidation (collectively, the “Plan”) [ECF No. 249]. The Court preliminarily approved the Disclosure Statement on September 20, 2023 [the “Conditional Approval Order”] [ECF No. 250] and the Plan has been sent out to creditors for voting on the Plan, with a confirmation hearing scheduled for November 2, 2023 at 11:00 a.m.

2. The ballot attached to the Plan provided for ballots to be either mailed, emailed, or faxed to Debtor’s counsel. The Conditional Approval Order provides that ballots are to be mailed to Debtor’s counsel.

3. The Debtor seeks the entry of an order, in the form attached hereto as **Exhibit 1**, authorizing creditors to transmit their ballots to Debtor's counsel via email and facsimile, in addition to mailing them to Debtor's counsel. Allowing claimants to vote electronically by email or facsimile will facilitate voting, is easy to track and administer [faxed ballots are received electronically via EFAX], and will avoid any confusion as to what ballots will be counted and accepted.

4. Moreover, authorizing the relief sought in this Stipulation will negate any confusion between what the Plan and the ballot currently provide for as against the Conditional Approval Order.

5. If the Court grants the relief sought in this Stipulation, the Debtor intends to mail out the proposed Order, attached as Exhibit 1 hereto as part of the Plan Supplement (that is anticipated to be sent out to creditors two (2) weeks prior to the balloting deadline established in the Conditional Approval Order.

**WHEREFORE**, the Debtor requests that this Court: (i) enter the order attached hereto as **Exhibit 1**, and (ii) grant such further relief as it deems just and equitable.

Respectfully submitted,

Dated: October 4, 2023

/s/ Robert Bassel  
ROBERT N. BASSEL (P48420)  
Attorneys for Debtor  
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Clinton, MI 49236  
(248) 677-1234; [bbassel@gmail.com](mailto:bbassel@gmail.com)

**AGREED TO:**

**TAFT STETTINIUS & HOLLISTER, LLP**

By: /s/Judith Greenstone Miller  
Judith Greenstone Miller (P29208)  
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**ANDREW R. VARA  
UNITED STATES TRUSTEE**

By: /s/ Ronna G. Jackson [has no objection to the relief requested]  
Trial Attorney  
Office of the U.S. Trustee  
211 West Fort Street, Suite 700  
Detroit, MI 48226  
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## **Exhibit 1**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN**

In the Matter of:

ARK LABORATORY, LLC,  
  
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**STIPULATED ORDER  
TO PERMIT BALLOTING FOR PLAN OF LIQUIDATION VIA  
EMAIL AND FACSIMILE IN ADDITION TO MAIL BALLOTING**

This matter came to be considered on the above-captioned STIPULATION TO ENTRY OF STIPULATED ORDER TO PERMIT BALLOTING FOR PLAN OF LIQUIDATION VIA EMAIL AND FACSIMILE IN ADDITION TO MAIL BALLOTING, and sufficient cause existing for the relief requested:

**IT IS HEREBY ORDERED THAT:**

1. Claimants are hereby authorized to vote on Debtor's Combined Disclosure Statement and Plan by mail to Robert Bassel, PO BOX T, CLINTON MI 49236, or via email to [bbassel@gmail.com](mailto:bbassel@gmail.com), or by facsimile to 248-928-0656 in addition to voting by mail. Ballots must be received by Debtor's counsel no later than October 26, 2023 in order to be counted, absent further Order of the Court.
2. The Debtor shall serve all creditors with this Order as part of the Plan Supplement to be transmitted to creditors, as provided under the Plan.